

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

CHARLENE LIBERTY, JOHN DAPONTE,  
JOHN DAVIS, DUANE GOMES,  
ADAM HANRAHAN, and CHARLES KENNER,  
on behalf of themselves and all others  
similarly situated; and  
DISABILITY RIGHTS RHODE ISLAND,  
on behalf of its constituents,

C.A. No. 19-cv-0573-JJM-PAS

*Plaintiffs,*

v.

RHODE ISLAND DEPARTMENT OF  
CORRECTIONS;  
PATRICIA COYNE-FAGUE,  
in her official capacity as the Director of the  
Rhode Island Department of Corrections;  
MATTHEW KETTLE, in his official capacity as  
Assistant Director of Institutions and Operations; and  
BARRY WEINER, in his official capacity as  
Assistant Director of Rehabilitation Services,

*Defendants.*

**PLAINTIFFS' MOTION TO COMPEL**

Pursuant to Fed. R. Civ. P. 37 and Local Rule 37, individual plaintiffs Charlene Liberty, John DaPonte, John Davis, Duane Gomes, Adam Hanrahan, and Charles Kenner (“Individual Plaintiffs”) and Disability Rights Rhode Island (“DRRI”) (collectively referred to as “Plaintiffs”) move to compel defendants Rhode Island Department of Corrections (“RIDOC”), Patricia Coyne-Fague, Matthew Kettle, and Barry Weiner (collectively referred to as “Defendants”) to produce unredacted copies of restrictive housing reports, prescription lists, meeting minutes, and use of

force reports and videos in response to Plaintiffs' Requests for Production of Documents Nos. 2, 12, 57, 58, 59, 70, and 74. As reasons therefore, Plaintiffs state that the information sought is relevant to Plaintiffs' claims, Defendants are the only ones with access to it, Defendants failed to articulate a valid legal basis for withholding such information, and the cost or burden of producing such information is minimal, particularly compared to the importance of the issues at stake in this action. In further support of its Motion, Plaintiffs rely upon, and incorporate by reference herein, the facts, arguments, and legal authority set forth in the accompanying Memorandum of Law in Support of its Motion to Compel.

WHEREFORE, Plaintiffs respectfully moves that the Court grant its Motion to Compel and Order that Defendants produce any and all restrictive housing reports, prescription lists, meeting minutes, and use of force reports and videos in unredacted form, including those documents and materials already produced and those to be produced in future productions by Defendants.

#### **REQUEST FOR ORAL ARGUMENT**

Plaintiffs hereby requests oral argument on its Motion to Compel pursuant to Local Rule Cv 7(c). Plaintiffs estimate no more than one hour will be necessary.

*[Signature page to follow]*

Respectfully submitted,  
By their attorneys,

/s/ Maria V. Morris

Maria V. Morris (D.C. Bar No. 1697904)

*Admitted Pro Hac Vice*

Tammie Gregg (MN Bar No. 262420)

*Admitted Pro Hac Vice*

ACLU NATIONAL PRISON PROJECT

915 15th Street, N.W., 7th Floor

Washington, D.C. 20005-2302

Telephone: (202) 548-6618

Facsimile: (202) 393-4931

Email: mmorris@aclu.org

tgregg@aclu.org

/s/ Anne M. Mulready

Anne M. Mulready (RI Bar No. 4738)

Brian Aday (RI Bar No. 2536)

DISABILITY RIGHTS RHODE ISLAND

33 Broad St., Suite 601

Providence, RI 02903

Telephone: (401) 831-3150

Facsimile: (401) 274-5568

Email: amulready@drri.org

badae@drri.org

/s/ Patrick T. Uiterwyk

Patrick T. Uiterwyk (RI Bar No. 7461)

James S. Rollins (MA Bar No. 569422)

*Admitted Pro Hac Vice*

NELSON, MULLINS, RILEY &

SCARBOROUGH LLP

One Financial Center, Suite 3500

Boston, MA 02111

Telephone: (617) 417-4700

Facsimile: (617) 217-4751

Email:

Patrick.uiteryk@nelsonmullins.com

James.rollins@nelsonmullins.com

Dated: December 8, 2021

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2021, the foregoing Plaintiffs' was sent by mail and electronically to counsel of record at the following addresses:

Brenda Baum  
Assistant Attorney General  
Rhode Island Department of Attorney General  
150 South Main Street  
Providence, RI 02903  
Email: bbaum@riag.ri.gov

Rebecca Partington  
DeSisto Law LLC  
60 Ship Street  
Providence, RI 02903  
Email: rebecca@desistolaw.com

Marc DeSisto  
DeSisto Law LLC  
60 Ship Street  
Providence, RI 02903  
Email: marc@desistolaw.com

By: /s/ James Rollins\_\_\_\_\_